

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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OPTO GENERIC DEVICES, INC.,

Plaintiff,

-v-

6:08 -CV-234

AIR PRODUCTS & CHEMICALS, INC.,

Defendant.  
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DAVID N. HURD  
United States District Judge

**ORDER**

Defendant moved to dismiss Claim IV and the claims for punitive and consequential damages. Plaintiff opposed only as to the claim for consequential damages.

Accordingly, it is

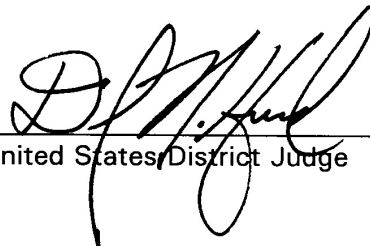
ORDERED that

1. Defendant's motion to dismiss is GRANTED as to Claim IV and the claim for punitive damages;

2. Defendant's motion to dismiss the claim for consequential damages is DENIED without prejudice; and

3. Count IV and the punitive damages claims are DISMISSED.

IT IS SO ORDERED.

  
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United States District Judge

Dated: November 10, 2008  
Utica, New York.